

AMENDED IN SENATE MAY 19, 2005
AMENDED IN SENATE MAY 10, 2005
AMENDED IN SENATE APRIL 27, 2005
AMENDED IN SENATE APRIL 12, 2005

SENATE BILL

No. 198

Introduced by Senator Lowenthal

February 10, 2005

An act to add Section 18871.1 to, to add Article 2.1 (commencing with Section 18615) to, and to repeal the heading of Article 2.5 of, Chapter 5 of Part 2.1 of Division 13 of, the Health and Safety Code, relating to manufactured homes, *and making an appropriation therefor*.

LEGISLATIVE COUNSEL'S DIGEST

SB 198, as amended, Lowenthal. Manufactured housing: installation.

~~Existing~~

(1) *Existing* law, the Mobilehome Parks Act, authorizes factory-built housing bearing a designated insignia, manufactured homes as defined, mobilehomes as defined, and multiunit manufactured housing as defined, to be affixed to a foundation system within a mobilehome park if the installation conforms to certain conditions. Existing law requires a contractor engaged to install a manufactured home or mobilehome to obtain a permit from the enforcement agency each time a manufactured home or mobilehome is to be located, installed, or reinstalled on any site for the purpose of human habitation or occupancy as a dwelling and requires the

contractor to display a valid contractor's license when applying for the permit. ~~Existing~~

Existing law requires the contractor to complete the installation in accordance with the regulations adopted by the department within the time limitations that are established by the regulations. Existing law prohibits the requirements for the installation of a manufactured home or mobilehome from exceeding specified statutory requirements. Existing law makes it a misdemeanor to willfully violate the Mobilehome Parks Act.

This bill would require the Department of Housing and Community Development to adopt guidelines, as specified, and to implement a program complying with federal requirements related to standards for installing or altering the installation of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars and the licensing, training, and certification of installers of manufactured homes, multiunit manufactured housing, and commercial modulars. The bill ~~would require~~, *by requiring* the department to *charge fees commensurate with its costs of implementing these provisions, which are deposited into the Mobilehome-Manufactured Home Revolving Fund, a continuously appropriated fund, would thereby make an appropriation.* The bill would also establish minimum standards of expertise relating to installing or altering the installation of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars, and to develop an examination necessary to assess that expertise.

The bill would prohibit a person holding a specified contractor's license from acting as an installer or altering the installation of a mobilehome, manufactured home, multiunit manufactured housing, or commercial modulars unless that person is certified to do so, as specified. The bill would authorize the issuance of a citation and civil penalty against an installer or person required to be certified for violations of provisions relating to installing or altering the installation of manufactured homes, multiunit manufactured housing, and commercial modulars. Because a willful violation of these provisions would be a misdemeanor, the bill would impose a state-mandated local program.

~~The~~

(2) *The* California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 2.1 (commencing with Section 18615) is added to Chapter 5 of Part 2.1 of Division 13 of the Health and Safety Code, to read:

Article 2.1. Installation of Manufactured Homes

18615. (a) The department shall implement a program complying with the requirements of Section 5404 of Title 42 of the United States Code related to standards for installing or altering the installing of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars and the training and certification of installers of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars.

(b) For the purposes of the certification required under this article, the department shall establish minimum standards of expertise related to the installing or altering the installation of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars for certification of installers and shall provide, in a technical and practical study guide format, information to assist the installer to achieve certification. A denial of recertification is subject to appeal to the director of the department or the director's representative.

(c) The department shall develop the examinations necessary to assess the expertise of persons seeking certification as an installer of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars and shall establish a testing process to administer those examinations.

(d) When an applicant passes the examination administered pursuant to subdivision (c), the department shall provide proof of certification to the successful applicant.

1 (e) The department shall charge fees commensurate with its
2 costs of implementing this section to applicants for installer
3 certification or renewal, training, and testing.

4 *Notwithstanding Section 13340 of the Government Code, the*
5 *fees collected shall be placed in the Mobilehome-Manufactured*
6 *Home Revolving Fund established by Section 18016.5, and are*
7 *continuously appropriated to the department for expenditure in*
8 *carrying out the provisions of this part.*

9 (f) The department may adopt guidelines to implement the
10 training, testing, certification, and enforcement provisions for
11 installers under this section. Until July 1, 2009, these guidelines
12 shall not be subject to the requirements of the Administrative
13 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
14 Part 1 of Title 2 of the Government Code).

15 18615.5. (a) The director of the department or his or her
16 designee or an employee authorized by a local enforcement
17 agency that has assumed jurisdiction pursuant to Sections 18300
18 and 18865, may issue a citation that assesses a civil penalty
19 against an installer or person required to be certified pursuant to
20 Section 18616 for any violation of Part 2 (commencing with
21 Section 18000), this part, or Part 2.3 (commencing with Section
22 18860), or regulations adopted pursuant to those provisions that
23 relate to installing or altering the installation of manufactured
24 homes, mobilehomes, multiunit manufactured housing, and
25 commercial modulars.

26 (b) Each citation and related civil penalty assessment shall be
27 issued no later than six months after issuance of the notice to
28 correct that is the basis of the citation. The penalties provided for
29 in this section are in addition to, and shall be consistent with, the
30 remedies and penalties specified in Section 18700 or Chapter 9
31 (commencing with Section 7000) of Division 3 of the Business
32 and Professions Code, Part 2 (commencing with Section 18000),
33 this part, or Part 2.3 (commencing with Section 18860), or
34 regulations adopted pursuant to those provisions.

35 (c) The amount of any civil penalty assessed pursuant to
36 subdivision (a) shall be in the amounts specified in Section
37 18021.7. The civil penalties assessed pursuant to this section
38 shall be payable to the enforcement agency and shall be remitted
39 within 45 days of the issuance of the citation.

(d) A person or entity that is served a citation pursuant to this section may petition the director or his or her designee, or the authorized representative or the local enforcement agency, where applicable, for a hearing. The petition shall be in writing and shall be received by the department or the local enforcement agency within 30 days of the date of issuance of the citation.

(e) Upon receipt of a timely petition, the enforcement agency shall suspend enforcement of the citation, set a time and place for a hearing, and give the recipient of the citation written notice of the hearing. The hearing shall commence no later than 30 days following receipt of the petition or at another time scheduled by the enforcement agency pursuant to a request by the petitioner or the enforcement agency if the enforcement agency determines that good and sufficient cause exists. If the petitioner fails to appear at the time and place scheduled for the hearing, the enforcement agency may notify the petitioner in writing that the petition is dismissed and that compliance with the terms of the citation shall occur within 10 days after receipt of the notification.

(f) The enforcement agency shall notify the petitioner in writing of its decision and the reasons for the decision within 30 days following conclusion of the hearing held pursuant to this section. If the enforcement agency upholds the citation, in whole or in part, the petitioner shall comply with the citation in accordance with the decision within 30 days after the decision is mailed by the enforcement agency.

18616. (a) Notwithstanding any other provision of law, a person who is licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code shall not install or alter the installation of a manufactured home, mobilehome, multiunit manufactured home, or commercial modular unless that person holds a current certification as required under this article and also holds the General Manufactured Housing (C-47) classification as defined under Section 832.47 of Division 8, Title 16 of the California Code of Regulations.

(b) An application by a person for a permit to install, alter the installation of, or reinstall a manufactured home, mobilehome, multiunit manufactured housing, or commercial modular pursuant to this part or Part 2.3 (commencing with Section

1 18860) shall be accompanied by the appropriate license issued by
2 the Contractors State Licensing Board and, if applicable, the
3 permit issued pursuant to Section 18551.1.

4 (c) This section shall become operative on July 1, 2006.

5 SEC. 2. The heading of Article 2.5 of Chapter 5 of Part 2.1 of
6 Division 13 of the Health and Safety Code, immediately
7 following Section 18614, is repealed.

8 SEC. 3. Section 18871.1 is added to the Health and Safety
9 Code, to read:

10 18871.1. If a manufactured home, mobilehome, or
11 commercial modular is installed in a park, or its installation is
12 altered, the installation or alteration shall comply with the
13 applicable provisions of Part 2.1 (commencing with Section
14 18200) and the regulations adopted pursuant to those provisions.

15 SEC. 4. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the
20 penalty for a crime or infraction, within the meaning of Section
21 17556 of the Government Code, or changes the definition of a
22 crime within the meaning of Section 6 of Article XIII B of the
23 California Constitution.